THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.25427 of 2005

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Dated:08.12.2005

Between:

Ghulam Hussain, S/o.Late Gudusab,

R/o.1-37, Kothaguda Village,

Serilingampally Mandal, Ranga Reddy District.

..... PETITIONERS

AND

The Government of Andhra pradesh, rep.by its Secretary Revenue

Department, Secretariat, Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.25427 of 2005

ORDER:

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The petitioner is allegedly the owner and possessor of land admeasuring Ac.0.20 guntas in Survey No.65 of Madhapur Village in Serlingampally Mandal in Ranga Reddy District. It is his case that his father purchased the property from Shaik Jani Miya and Jehangir Miya, the original pattadars under registered sale deed dated 23.06.1969. He further alleges that in 1998 the Andhra Pradesh Industrial Infrastructure Corporation (APIIC) acquired the land in Survey No.65 for establishment of Software Technology Park, and in lieu of the land acquired, allotted the land in Survey No.64 to him. After coming into force of the Urban Land (Ceiling and Regulation) Act, 1976 (for short 'the Act'), the second respondent herein sought to treat the land demised to the petitioner as surplus urban land. The petitioner submitted objections and the second respondent allowed the petitioner and his brother to retain an extent of 1023.12 square metres. Aggrieved by the same, the petitioner again raised objections, and the second respondent is yet to pass orders.

In the meanwhile, the fourth respondent created a sale deed dated 18.10.1995, under which respondent Nos.4 to 11 purchased an extent of Acs.2.28 guntas of land in Survey No.65 of Madhapur Village also including the land owned by the petitioner, and approached the Government who issued the impugned G.O.Ms.No.1887, dated 09.11.2005, to regularize/allot the land to respondent Nos.4 to 11 under Section 23(4) of the Act. Therefore, the petitioner contends that unless the dispute in relation to Ac.0.20 guntas is resolved and demarcated, the Government cannot allot/regularize the land in favour of respondent Nos.4 to 11 and that without conducting any enquiry the Government could not have passed such order.

A perusal of the impugned Government Order would show that respondent Nos.4 to 11 submitted an application seeking regularization/allotment under Section 23(4) of the Act in accordance with the guidelines contained in G.O.Ms.No.455, dated 29.07.2002. The Government called for the report from the second respondent, who submitted such report on 21.10.2005 along with the proposals for allotment of excess vacant land. Respondent Nos.4 to 11 also paid a total sum of Rs.37,66,595/-, and considering the same, the Government issued orders allotting the land to respondent Nos.4 to 11. The petitioner contends that his father purchased the land in Survey No.65, which was acquired for APIIC, who allotted the land in Survey No.64 in lieu of the land acquired. The petitioner, however, has not placed any proceedings of the Government or APIIC before this Court in support of such contention. The petitioner admits that the land in Survey No.65 was already acquired and therefore this Court is not able to appreciate the *locus standi* of the petitioner to impugn G.O.Ms.No.1887, dated 09.11.2005. Even according to the petitioner, respondent Nos.4 to 11 purchased the property under a sale agreement and sought allotment/regularization. Their request was enquired into and the second respondent submitted proposals, which were accepted by the Government. The petitioner claims that the land was not demarcated and the land allotted to the contesting respondents also includes the land, which was given to him in lieu of the land in Survey No.65 acquired for Software Technology Park. The petitioner's remedy lies in a civil Court to seek appropriate declaration. Insofar as the impugned Government Order is concerned, the same is in accordance with the guidelines in G.O.Ms.No.455, dated 29.07.2002, and the same cannot be assailed by the petitioner.

The Writ Petition, for the above reasons, is dismissed. No costs.

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(V.V.S.RAO, J)

08.12.2005

vs